



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2001/SR.1
8 June 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 March 2001, at 10.30 a.m.

Temporary Chairperson: Mr. SIMKHADA (Nepal)

Chairperson: Mr. DESPOUY (Argentina)

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GE.01-11931 (E)

The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared the fifty-seventh session of the Commission on Human Rights open.

2. He reviewed the highlights of the Commission's previous session. Two new optional protocols, one on children in armed conflict and the other on the sale of children, had been adopted by the Commission and had entered into force after having been ratified by a large number of States. Three new special representatives and rapporteurs, on human rights defenders, the right to food and the right to housing, had begun working in their respective areas. The past year had also been significant for the adoption of the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission, and for meetings of the Preparatory Committee for the forthcoming World Conference against Racism and of the four regional preparatory committees. The serious developments in the Middle East, which had prompted the convening of the fifth special session of the Commission to consider the tragic situation in the Palestinian territories, had added to the complexity of the Commission's work. The three-member human rights Inquiry Mission appointed by him, as Chairperson of the Commission, had visited the region and submitted its report.

3. He paid a warm tribute to Mrs. Mary Robinson, the High Commissioner for Human Rights, for her extraordinary energy and personal commitment, and thanked all colleagues for their support and cooperation. Increased financial and human resources were essential if the Office of the High Commissioner for Human Rights (OHCHR) was to be able to cope with its ever-growing workload. His thanks also went to the special rapporteurs, representatives, independent experts and members of the Inquiry Commission for their dedication to the cause of human rights. Lastly, he would point out that the Government of Nepal remained fully committed to the principle of the rule of law.

4. The situation in the world at the beginning of the third millennium, with so many human beings suffering from extreme poverty, conflict and discrimination, inspired little confidence in human wisdom. In the Middle East, the suffering seemed to be unending. Even Nepal, from where the Buddha had carried his message of universal peace and tolerance, was experiencing a growing cycle of conflict and violence, with many innocent victims.

5. The pursuit of the ideals of respect for people's rights and dignity enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights demanded an understanding that poverty meant a denial of those rights. That had been the theme of the special dialogue at the Commission's fifty-sixth session and of a seminar on human rights and extreme poverty that had recently been organized by OHCHR, in accordance with Commission resolution 2000/12. Participants in the third United Nations Conference on the Least Developed Countries, which was to be held in Brussels in May 2001, would have the opportunity to draft a declaration on the international community's moral responsibility in that regard.

6. OHCHR had also organized a forum on the culture of peace, which had been held in Geneva and had produced a number of creative ideas. The eradication of poverty and the

building of a culture of peace and tolerance in the twenty-first century would depend largely on the ability to adopt what one scholar had called a "paradigm shift", through the convergence of technology, politics and ethics, areas that were currently barely on speaking terms. The Commission should give serious consideration to the issue.

7 One of the most significant developments of the late twentieth century was the growing role of non-State actors. The international community must take account of the important role they played in the defence of human rights and, at the same time, call them to account if they themselves committed violations of human rights. The Commission must be free of all "politicization" in considering such cases.

8 Lastly, building capacity and strengthening institutions were vital components of the international community's human rights agenda.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

9 Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said the dominant theme for her opening address at the current session of the Commission on Human Rights was unquestionably the forthcoming World Conference against Racism, to be held in Durban. It was of the utmost importance to combat racism and all forms of intolerance, because they were evils that were directly linked with poverty and social exclusion. The promotion of tolerance and respect for difference were basic to the vision of the United Nations as set out in the Charter and as reaffirmed in September 2000 in the Millennium Declaration.

10 With humanity entering a new century and in the United Nations Year of Dialogue among Civilizations, it was a particularly timely moment to broach such a subject. There were countless examples of the evil effects of racism and xenophobia in the world today. In recent months, hundreds had been killed for ethnic reasons, in conflicts that had erupted in Borneo, Burundi and other parts of the world. Ethnic conflict in The former Yugoslav Republic of Macedonia could once again threaten the stability of the region. Refugees and asylum-seekers continued to be given a cold and often hostile reception in wealthy countries. Combating racism, focusing on its gender dimension, respecting the rights of indigenous peoples and minorities and extending human rights education to everyone - those were the issues that would go to the heart of the World Conference.

11 It was the fourth time she was addressing the opening session of the Commission, yet the first impression she had gained on taking office as High Commissioner was still with her: that there was a great gulf between the high aspirations of the international human rights instruments and the harsh reality so many people faced in their daily lives. Another early impression had been that OHCHR had an enormous amount to do, with only limited resources, if it was to meet the expectations of Governments and international human rights organizations.

12 Summing up the results obtained through OHCHR action, she said that the profile of human rights as an international issue had been raised. One indication of that was the high level of ministerial attendance at the Commission. In addition, universal ratification of the six core human rights treaties had been actively promoted, with a good measure of success at the

Millennium Summit, a number of countries had signed or ratified one or more of those instruments. Lastly, the human rights dimension was present in all United Nations activities, from the United Nations Development Programme (UNDP) to peacekeeping operations.

13. OHCHR was making every effort to streamline its operations in order to better fulfil its mandate. High priority was being given to ensuring that the treaty-monitoring bodies functioned effectively and were properly serviced. She appealed to States to commit all necessary resources to the OHCHR. The number of special mechanisms had now risen to 36 and OHCHR was doing everything possible to support them. They played a vital role in defending human rights, but once again, funding was a particular concern. OHCHR had also made efforts to improve cooperation with its partners in order to optimize its field presence. It now had regional strategies in place that focused on strengthening institutional capacity and resolving the problems of greatest concern within a given geographic area. The approach was based on intensive cooperation with regional organizations, United Nations partners and the regional economic commissions.

14. As recommended by the Vienna Declaration and Programme of Action, OHCHR had adopted a strategy of promoting national human rights action plans. The Human Rights Strengthening (HURIST) programme, implemented jointly with UNDP, played an important role in that regard and was now applied in more than 30 countries. To date, more than 50 countries had sought OHCHR's advice in establishing independent national human rights institutions.

15. A relatively new development was technical support for commissions of inquiry such as those that had been sent to East Timor, Togo, the occupied Palestinian territories and Sierra Leone. It was vital for OHCHR to have the capacity to respond to urgent requests in that regard, without having to draw on staff members mandated to other activities. Staffing problems within OHCHR remained serious. The workload continued to increase without any corresponding increase in budget resources. As a result, many staff worked under unfair pressure, aggravated by short-term contracts that gave neither job security nor career prospects. That situation troubled her deeply.

16. Raising substantial voluntary contributions had become essential to enable OHCHR to carry out its core functions. In 2000 it had launched the first annual funding appeal and raised US\$ 44 million, roughly twice the amount it received from the United Nations regular budget. In 2001, OHCHR would for the first time be issuing a comprehensive report on expenditure from voluntary funding during 2000. The Administration Unit was being strengthened and a financial tracking system for extrabudgetary contributions was being introduced.

17. Although OHCHR was making progress towards its fundamental goal of promoting and protecting human rights throughout the world, there were still a number of challenges to be faced.

18. It was essential to take a holistic approach to human rights. Civil, cultural, economic, political and social rights formed a whole and should be promoted with equal vigour. Her country visits had convinced her of the importance of the right to development and of the fact that there was a direct connection between sustainable development and democracy. Gathering in good practices from Member States and from partner agencies such as UNDP, the

United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the United Nations Development Fund for Women (UNIFEM) was the best way to counter scepticism and doubts about the rights-based approach to development. More could be done in that area.

19 Prevention of human rights violations was another area to which greater attention should be paid. However, an adequate response remained elusive. It was regrettable that prevention had not really taken root in the thinking and, more importantly, the planning, of Governments and the international community.

20 Accountability was crucial to prevention. The way in which countries responded to allegations of gross violations was an indication of their commitment to the human rights issue. She welcomed the fact that more countries were ratifying the Rome Statute of the International Criminal Court and the valuable work being done by the international tribunals, particularly the recent convictions for crimes against humanity announced by the International Tribunal for the Former Yugoslavia. There must be a credible response to any allegations of extrajudicial killings, torture and illegal detention, whether in East Timor, the former Yugoslavia or central Africa. That had been her position with regard to allegations of human rights abuses by security forces in Chechnya and she had recently received further disturbing reports. The Russian authorities should respond adequately to those allegations.

21 Respect for human rights in conflict situations was another issue the Commission should address, particularly since women and children were often the first victims of violations of fundamental rights in such situations. There was a growing appreciation of the role that human rights played before, during and after conflicts. Conflict prevention was clearly the best strategy and the Commission's human rights mechanisms had an important role to play in that respect.

22 Three regions to which she had paid particular attention in the course of the past year were the Middle East, and particularly the occupied Palestinian territories, which she had visited in November 2000 and where the efforts of the international community, including those of the Commission, had unfortunately failed to put an end to the hostilities and human rights violations; Colombia, where the human rights situation remained grave and where action by OHCHR would have no effect without the determination on the part of all domestic actors to shape the life of the country peacefully; and Sierra Leone, where OHCHR was working closely with the Government, civil society and the United Nations Mission in Sierra Leone (UNAMSIL) to establish a Truth and Reconciliation Commission and a National Human Rights Commission, which had the potential to be important building blocks in re-establishing human rights and ending the internal conflict.

23 She called on the Commission to ensure full implementation of the recommendations of the high-level panel chaired by Mr. Brahimi on prevention of human rights violations and support for the peace-building efforts of the United Nations. The Brahimi report had highlighted the essential importance of the United Nations system in adhering to and promoting international human rights instruments and standards and international humanitarian law.

24 Cooperation with States, and in particular strengthening national capacity by responding to requests for technical assistance, was still a high priority for OHCHR. Memoranda of

Understanding (MOUs) had been signed with a number of countries, including Chile, China, Mexico and the Russian Federation. While she welcomed such cooperation with Governments, however, she did not see MOUs as ends in themselves and believed that any cooperation should primarily address human rights shortcomings. Regional capacity-building, too, was a priority objective and there were positive results to report, including the establishment of a subregional centre for human rights and democracy in central Africa, in Yaoundé (Cameroon).

25. Another challenge to be met was that of giving the private sector, non-governmental organizations (NGOs) and civil society greater opportunities to contribute to the realization of the United Nations goals, as recommended in the Millennium Declaration. Tribute must be paid to the many NGOs that had continued to fight for human rights over the past year. They made a vital contribution and it was important to find ways of involving them more directly in the work of the United Nations. She invited NGOs to contribute to the debate on the shaping of the broad agenda of human rights and to participate actively in the Durban Conference.

26. As to corporate social responsibility, the Secretary-General's Global Compact initiative was one example of how the United Nations was reaching out to business, trade union and other civil society actors. Such initiatives must be measured by how effectively they provoked positive change. It was to be hoped that companies would be more willing to accept the argument that they had a responsibility to respect human rights.

27. If evidence was needed of the centrality of human rights in the international field, there was no need to look any further than the calendar of United Nations events over the coming months: the third United Nations Conference on the Least Developed Countries in May; the special sessions of the General Assembly on Habitat II and on HIV/AIDS in June; the special session on children in September; and the review of the World Food Summit in November. In addition, OHCHR had recently been given the task of establishing a Permanent Forum for Indigenous Peoples. Another indicator was the range of special events and discussions planned for the current session of the Commission.

28. Reviewing her work over three and a half years as High Commissioner for Human Rights, she said that it had been extremely difficult but very rewarding. It was gratifying to be able to report real progress on many of the goals she had set at the beginning of her mandate: gaining broader acceptance for the definition of human rights to include not just civil and political but also economic, social and cultural rights; mainstreaming human rights throughout the United Nations system; working with partners in the NGO community and with the frequently unsung human rights defenders; encouraging Governments to address their human rights responsibilities and obligations; helping to build national capacity within member States and to develop appropriate regional structures; improving management within OHCHR and raising funds; and, above all, acting as a voice for victims of human rights abuses. In the last task - which she considered her strongest mandate - she had received the support of Mr. Kofi Annan, and she paid tribute to his moral courage and integrity.

29. The final six months of her term would be very demanding, culminating as they would in the World Conference against Racism. By the end of the Conference she would have completed her term as High Commissioner for Human Rights and she had advised the Secretary-General

that she would not be seeking a second term. Although her decision might disappoint some, she would continue to work wholeheartedly for human rights outside the constraints that an international organization inevitably imposed. She believed the opening of the Commission's session was the appropriate occasion to announce her decision in order to give ample time for her successor to be appointed. She would be available to support her or him and, while warmly thanking her colleagues, she urged them to do the same.

ELECTION OF OFFICERS (item 1 on the provisional agenda)

30. The TEMPORARY CHAIRPERSON invited the Commission to take up item 1 on the provisional agenda, namely, election of officers.

31. Ms. ACOSTA (Mexico), speaking on behalf of the Latin American and the Caribbean Group, nominated Mr. Despouy (Argentina) for the office of Chairperson.

32. Ms. KUNADI (India), speaking on behalf of the Asian Group, Mr. WAKO (Kenya), speaking on behalf of the African Group, Mr. KARKLINS (Latvia), speaking on behalf of the Eastern European Group, and Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland), speaking on behalf of the Western European and Others Group, supported the nomination.

33. Mr. Despouy (Argentina) was elected Chairperson by acclamation.

34. Mr. Despouy (Argentina) took the Chair.

35. The CHAIRPERSON invited nominations for the three offices of Vice-Chairperson and for the office of Rapporteur.

36. Ms. KUNADI (India), speaking on behalf of all the regional groups, nominated Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Ms. Filip (Romania) and Mr. Mendonça e Moura (Portugal) for the offices of Vice-Chairperson and Mr. Hussain (Pakistan) for the office of Rapporteur.

37. Ms. Al-Hajjaji (Libyan Arab Jamahiriya), Ms. Filip (Romania) and Mr. Mendonça e Moura (Portugal) were elected Vice-Chairpersons by acclamation and Mr. Hussain (Pakistan) was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRPERSON

38. The CHAIRPERSON said that his election as Chairperson of the Commission was a great honour for Argentina, which had returned to democratic rule nearly 20 years ago; it should be seen as an expression of support for that historic process and a tribute to his people.

39. He was deeply grateful to the outgoing Chairperson and officers for their help, which had greatly facilitated the organization of the work of the fifty-seventh session. He would ensure that the work was carried out in collegial, transparent fashion and would be attentive to the concerns and suggestions of the various regions. There were as many female as male officers for the first

session of the millennium and it was reasonable to hope that the gender perspective would be duly integrated into all the Commission's work at the present session. He expressed his gratitude to Switzerland and particularly the Canton of Geneva, which were doing all they could to enable the Commission to carry out its work under the best possible conditions. He called to mind Henri Dunant, who had received the Nobel Peace Prize a century ago and had helped to lay the foundations of international humanitarian law.

40. He also thanked the Latin American and the Caribbean Group, which had unanimously supported his nomination, and Venezuela, which had decided not to present a candidate. Latin America was actively reinforcing its democratic institutions and its guarantees of full respect for human rights. There was still much to do in that regard, including in Argentina, but significant progress had been made over the past 15 years with regard to peace building and the re-establishment of the rule of law. Important changes had taken place recently in Mexico and the international community should encourage the efforts being made there to ensure the participation of previously excluded population groups. In Peru, a corrupt, authoritarian Government had been peacefully replaced by a democratic transitional Government.

41. He paid tribute to OHCHR's defence of human rights under Mrs. Robinson's courageous and imaginative leadership. He endorsed the 2001 Annual Appeal to States to increase their support to OHCHR, and was encouraged to see that a growing number of States, including Haiti, were signing technical assistance agreements with OHCHR in the area of human rights.

42. It was extremely encouraging that the General Assembly had proclaimed the year in which the World Conference against Racism was to be held as the United Nations Year of Dialogue among Civilizations. The fact that the Conference was to be held in South Africa, a country that was struggling with courage and determination against the legacy of apartheid, was particularly significant. The Commission, in its capacity as preparatory committee, must play an active part in drafting the final documents to be adopted in Durban and, in particular, in reinforcing the spirit of dialogue and understanding that would be vital if the Conference was to help make tangible improvements in the situation of all victims of racism, discrimination, intolerance or xenophobia. It was therefore most appropriate that, on the eve of the World Conference, the Commission had decided to assign one of its meetings to a special debate on tolerance and respect. In that regard, the Declaration adopted on 30 January 2001 by the Stockholm International Forum against Intolerance, entitled "Combating Intolerance", was of great importance.

43. He was committed to ongoing dialogue with NGOs, which were vital actors and had played a very important part in the standard-setting work of the Commission and the Sub-Commission. His gratitude to NGOs was all the greater for the way they had helped expose the situation during the dark years of the military dictatorships, not only in Argentina but also in other countries of the region. The establishment of the post of Special Representative of the Secretary-General on the situation of human rights defenders was therefore another step forward. He was certain that that mechanism would help improve protection for a particularly vulnerable section of civil society.

44. Thanks to the Universal Declaration of Human Rights, individuals could now act as subjects of international law, a right previously enjoyed only by States. The Declaration had also

clearly established an ethical approach to international relations. In the course of a half-century, it had gradually become a kind of universal constitution and would undoubtedly stand as one of the chief legacies of the past millennium. Since its adoption, some 10 committees had been established to monitor the implementation of as many treaties. The Commission itself had acquired a complex array of mechanisms and special procedures. The various bodies and mechanisms should be afforded the means to carry out their work, but also to ensure that they functioned smoothly and complemented one another. With regard to torture, he hoped that the Working Group on a draft optional protocol to the Convention against Torture would be able to complete its work, under the able guidance of its Chairperson, Ms. Elisabeth Odio Benito. It would also be encouraging if the Rome Statute of the International Criminal Court was ratified soon in order to enable the Court to play a decisive role in preventing crimes against humanity and combating impunity.

45. The present period in world history was one of great contrasts. On the one hand information technologies and, on the other, the excluded masses. More than one and a half billion people were living in poverty and the situation was only getting worse. The spiral of exclusion affected children and the elderly in particular, as well as millions of women, for whom the mere fact of being a woman was an additional disadvantage. Against such a background, the Commission must ensure that scientific and technological progress was not made at the expense of ethical principles. In particular, it should promote the Universal Declaration on the Human Genome and Human Rights, according to which "No research ... concerning the human genome ... should prevail over respect for the human rights, fundamental freedoms and human dignity of individuals ...". The same applied to new technologies which, if they were subject only to market forces, could seriously damage the environment and jeopardize human food security. Indeed, the food issue was one of the most serious problems humanity had to face. In many countries, a large part of the population suffered from malnutrition and access to food was even used as a weapon in conflict situations.

46. Globalization had made for considerable mobilization of resources, yet it had also led to a serious deterioration in the economic and social situation in many developing countries, which were burdened down by external debt. It was now well known that one of the chief causes of the spread of violence was deteriorating social and economic conditions in many regions of the planet. The situation was made more serious by the weakening of the traditional role of the State and, in many cases, by an increase in racial tension and the persecution of minorities, and it was essential to establish new conflict-resolution mechanisms, based mainly on prevention and the search for peaceful solutions.

47. According to the International Committee of the Red Cross (ICRC), 80 per cent of the victims of current conflicts were civilians, and the overwhelming majority of those were women and children; that figure had been a mere 5 per cent during the First World War, for example. It was vital to demand respect for international humanitarian law and to pay more attention to the causes of armed conflicts and the new forms they were taking.

48. Again, it was only too well known that violence and poverty were among the chief causes of internal and cross-border migrations. There were now some 40 million refugees and more than 25 million internally displaced persons. They lived in extremely precarious conditions and

were exposed to persecution. A large part of international aid, which should go towards development, was now being assigned to emergency humanitarian relief operations.

49. On the fiftieth anniversary of the adoption of the 1951 Convention relating to the Status of Refugees, the Office of the United Nations High Commissioner for Refugees (UNHCR) had launched global consultations on international protection. It was an excellent opportunity for States parties to reaffirm their collective commitment to protecting refugees in general. Ways should also be found of dealing with new situations and encouraging States to sign the Convention and the 1967 Optional Protocol. The consultations would lead up to a first ministerial meeting of the States parties, to be held in Geneva on 12 December 2001.

50. He emphasized the indivisibility and interdependence of human rights and the fundamental importance, for the majority of the peoples of the world, of implementing the right to development. A recent meeting of the Working Group on the Right to Development, chaired by Mr. Dembri, had highlighted the need for greater efforts in that area. For example, the tragic situation of many African peoples who had been hard hit by the HIV/AIDS pandemic, was a major obstacle to the realization of the right to development. In general, it was essential for all those involved in development, including the private sector, to join forces, as the Secretary-General had emphasized in his Global Compact. Otherwise, globalization could well make for greater social exclusion.

51. As the President of Argentina, Mr. Fernando de la Rúa, had stated before the Inter-American Court of Human Rights, the defence of human rights was of importance to the entire international community, not only for moral reasons but also because, if human rights violations became systematic, they could endanger world peace and stability. The defence of the right to freedom of opinion, expression, religion and belief, and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, were some of the important issues the Commission would be considering at the present session. It was vital for the Commission to set aside time to preparing the text of a convention to prevent and combat the appalling practice of forced disappearances. Forced disappearances had been the scourge of many Latin American countries and threatened to spread to other continents. The existence of a universally applicable convention would certainly have a significant deterrent effect and help to eradicate that repressive practice, which was one of the most evil in existence and whose effects persisted down the generations.

52. The Commission should also address the question of indicators enabling it to assess the extent of the problems it considered. Everything done in the context of the Human Development Report and the deliberations of the Montreux Plenipotentiary Conference had shown that it was a delicate question but also that such indicators were indispensable.

53. Lastly, he briefly mentioned the long route he had travelled in human rights, beginning as a witness and victim, followed by 12 years as a member of the Sub-Commission and then 8 years as head of the Argentine delegation. Remembering those years of persecution and the long, painful exile he had endured, he was well aware of all the progress that had been made in field of human rights over the past 20 years.

ADOPTION OF THE AGENDA (item 3 on the provisional agenda) (E/CN.4/2001/1, E/CN.4/2001/1/Add.1 and Corr.1)

54. The CHAIRPERSON drew attention to the provisional agenda (E/CN.4/2001/1) prepared by the Secretary-General pursuant to rule 5 of the rules of procedure.

55. The agenda was adopted.

The meeting rose at 12.40 p.m.